

**Resolution Agreement
Marion County School District
OCR Docket # 04-16-1533**

The Marion County School District (District) agrees to implement the following actions in order to resolve the issues raised in OCR Complaint #04-16-1533 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District submits this Resolution Agreement (Agreement) to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

ACTION ITEM 1

Individual Remedy:

By January 10, 2017, the District will notify the Complainant in writing that they are willing to convene an IEP meeting for the Student if the Complainant elects to reenroll the Student in a District school. If held, the IEP meeting attendees, would discuss in detail (1) what type of services and/or accommodations the Student presently needs, (2) how such accommodations will be implemented, and (3) how the IEP team plans to deal with any barriers to implementation (i.e., if the Student refuses to use her services).

In the January 10, 2017 letter, the District will also notify the Complainant in writing that if the Complainant elects to reenroll the Student in a District school, the IEP team will discuss whether compensatory education should be provided to the Student and how the District will provide compensatory education, if required (e.g., supplemental tutoring or summer school).

If compensatory education is deemed necessary, she must notify the District of her acceptance or rejection of the District's offer of compensatory education within 30 calendar days of the official enrollment date. If the Complainant accepts the compensatory education, it must be provided within 180 calendar days of the acceptance.

If the Complainant refuses this compensatory education or does not provide access to the Student so that she may receive this compensatory education, the District will provide OCR with documentation of its attempts to notify the Complainant of its offer to provide the proposed compensatory education and will communicate these concerns to OCR in order to mutually determine how to proceed.

Reporting Requirements:

By February 1, 2017, the District will provide OCR with a copy of the written notice to the Complainant of the offer to convene an IEP meeting. If compensatory education is determined necessary and the Complainant accepts the compensatory education offer, within ten days of the provision of the compensatory education discussed above, the District will provide OCR with documentation that the Student received the requisite numbers of compensatory education, including the manner in which the compensatory

education was provided. Alternatively, as soon as the District determines that it cannot fully provide the required compensatory education to the Student because the Complainant will not give consent or will not provide access to the Student, the District will provide OCR with all documentation of its attempts to provide the compensatory education.

The District will provide OCR with all documentation of its attempts to obtain parental consent for an IEP meeting, upon the contingent event that Complainant reenrolls the Student in a District school.

ACTION ITEM 2

ESE Implementation Tool:

By February 1, 2017, the District will develop a record keeping system to track how the District is implementing special education services for all students currently receiving special education services from the District. Specifically this system should ensure that all staff members responsible for implementing special education services are aware of each student's service and/or accommodation pursuant to the Students' current IEP or 504 Plan, and understand how each service and/accommodation must be implemented in the Student's classroom(s), pursuant to the Students' current IEP.

Reporting Requirement:

By March 1, 2017, the District will provide: (1) explanation of this special education record keeping system and (2) copies of any documents that will be used in this system.

ACTION ITEM 3

Training:

By June 1, 2017, the District will provide training to the District's Section 504 Coordinator (s), administrators and other relevant staff who have responsibility for implementing the District's Section 504 services for students. The training will consist of an overview of the District's responsibilities under Section 504 and Title II, including the District's responsibility for ensuring the effective implementation of the students' IEP and Section 504 plans.

Reporting Requirements:

During its investigation, an OCR staff member provided comprehensive training to the District on August 29, 2016 that satisfies this training requirement. Therefore, the District is not required to provide any additional training or report(s) as to this Action Item 3.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.33(a)(b)(1)(2), and the Title II implementing regulation at 28 C.F.R. § 35.130, which were at issue in this case.

The District also understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary and upon reasonable prior notice by OCR, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulations at 34 C.F.R. 34 C.F.R. § 104.33(a) (b)(1)(2), and the Title II implementing regulation at 28 C.F.R. § 35.130.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date